

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:05CR156 RAS/DDB
	§	
ROBERT CHRISTOPHER STRECKER (2)	§	

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Court referred the matter to this Court for a report and recommendation, the Court conducted a hearing on January 26, 2015 to determine whether Defendant violated his supervised release. Defendant was represented by John Raggio. The Government was represented by Heather Rattan.

On July 19, 2006, Defendant was sentenced by the Honorable Ron Clark, United States District Judge, to a sentence of 88 months imprisonment followed by a 3-year term of supervised release, for the offense of Felon in Possession of a Firearm. Defendant began his term of supervision on February 17, 2012. On July 1, 2013 this case was transferred to the Honorable Richard A. Schell, United States District Judge.

On November 10, 2014, the U.S. Probation Officer filed a Petition for Warrant or Summons for Offender under Supervision (the "Petition") (Dkt. 87). The Petition asserts that Defendant violated the following conditions of supervision: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon; (3) Defendant shall work regularly at a lawful occupation unless

excused by the probation officer for schooling, training or other acceptable reasons; (4) Defendant shall not unlawfully possess a controlled substance; (5) Defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered; (6) Defendant shall refrain from any unlawful use of controlled substance; and (7) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.

The Petition alleges that Defendant committed the following violations: (1) On August 2, 2014, Defendant was arrested by North Richland Hills, Texas, Police Department for Deadly Conduct Discharge Firearm, a Class A misdemeanor. He was released on bond and charges are pending. Defendant possessed and discharged a firearm; therefore, committing the federal offense of Felon in Possession of a Firearm, a violation of Title 18 U.S.C. § 922(g)(1); (2) On August 2, 2014, Defendant admitted to North Richland Hills Police that he was in possession of, and discharged a firearm on said date which lead to the Deadly Conduct arrest; (3) Defendant failed to work at regular employment for the months of May 2013 through August 2014; (4) On or about August 2, 2014, Defendant was found at 6484 Iron Horse Blvd, Apartment 17E, in North Richland Hills, Texas, in possession of a Sentry Safe key that was previously seized from said residence. Inside the safe, law enforcement found a Star 9mm semi-automatic handgun, ammunition, a small round container containing marijuana, a blue metallic marijuana grinder, digital gram scale, and other items. The weapon was the one that was accidentally discharged and Defendant stated the marijuana belonged to his girlfriend; and (5) On October 28, 2014, Defendant submitted a urine specimen which tested positive for amphetamine/methamphetamine. Laboratory testing confirmed said positive.

At the hearing, Defendant entered a plea of not true to Allegations 1 and 5. Defendant entered a plea of true to Allegations 2, 3, and 4, but advised that the marijuana belonged to his girlfriend. Defendant waived his right to allocute before the district judge and his right to object to the report and recommendation of this Court. The Court finds that Defendant has violated the terms of his supervised release.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984 and having considered the arguments presented at the January 26, 2015 hearing, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twenty three (23) months with no supervised release to follow. The Court further recommends the sentence be served in the Bureau of Prisons facility located in Seagoville, Texas, if appropriate.

SIGNED this 30th day of January, 2015.



DON D. BUSH
UNITED STATES MAGISTRATE JUDGE